

Remarks/Arguments:

Claims 9 and 14 have been objected to under 37 CFR 1.75 (c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. Specifically, claims 9 and 14 were identified. This objection is not understood by applicant's representative because, according to applicant's copy of the specification, claims 9 and 14 do not depend from other multiple dependent claims. The examiner is respectfully requested to provide applicant's representative with a photocopy from the file wrapper showing the problem so that those claims can be corrected.

Claims 27 and 28 have been rejected under 35 U.S.C. section 102(e) as being anticipated by Takahashi (U.S. Patent No. 6,046,874). This rejection is respectfully traversed for the reasons set forth below.

Takahashi discloses PR4 equalizer 30 and EPR4 equalizer 32. PR4 equalizer 30 produces a PR4 signal. EPR4 equalizer 32 produces an EPR4 signal. Switching circuit 34 switches between the PR4 signal and the EPR4 signal in response to instructions provided by MPU 48. As set forth in Takahashi at column 7, line 51, MPU 48 instructs switching circuit 34 to switch between the PR4 signal and the EPR signal "on the basis of a head number HH and a cylinder address CC."

Applicant's invention, as recited by claim 27, includes a feature that is neither disclosed nor suggested by the art of record, namely:

...equalizing the input signal by PR4...
...equalizing the input signal by EPR4...
...judging the signal condition of the input signal by the first equalized signal and second equalized signal, discriminating the optimum data detecting method...(emphasis added)

The claim then recites that the decoded signals are obtained from the equalized signals depending on which equalized signal provides the optimum decoded signal.

The official action has taken the position that the above feature is disclosed by Takahashi. Applicant's representative respectfully disagrees. As previously indicated, Takahashi says nothing about selecting a PR4 or an EPR4 signal based on an evaluation of signal condition. Takahashi selects a PR4 signal or an EPR4 signal based on head and cylinder selection. By contrast, because applicant is evaluating signal condition in real time and

selecting the PR4 signal or EPR4 signal based on the real time evaluation, applicant can react to changes in signal condition caused by a number of different factors. Exemplary factors include changes in tape tension (which can be caused, for example by physical shock to the device), variance in head contact, and changes in temperature

Accordingly, claim 27 is patentable over Takahashi.

Claim 28 also includes the feature of selecting either the PR4 signal or the EPR4 signal "based on the signal condition." Thus, claim 28 is also patentable over the art of record.

Claims 1, 5, 19 and 23 have been rejected under 35 U.S.C. section 103(a) as being unpatentable over Takahashi in view of Conway (U.S. Patent No. 6, 522, 705). It is respectfully submitted, however, that these claims are patentable over the art of record for the reasons set forth below.

Again, Takahashi selects either a PR4 signal or an EPR4 signal based on a designated head number or cylinder address.

Applicant's claim 1 recites:

...condition discriminating means for discriminating the signal
condition of the input signal... judging the optimum data detecting
method...

Similar features are found in claims 5, 19 and 23. As previously explained, this is different than Takahashi.

The official action combined Takahashi with Conway to reject Applicant's claims. Conway, however, is also lacking of Applicant's claimed "discriminating the signal condition feature."

Furthermore, the official action states that Conway teaches a PR4 decoder and an EPR4 decoder being used. While there is no argument that such decoders are disclosed in Conway, Conway does not switch between PR4 and EPR4 signals. Rather, Conway only discloses switching between error sequences. This is certainly different than applicant's claimed feature of PR4 or EPR4 signal selection.

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In addition, the official action has taken the position that combining Takahashi and Conway is within the realm of one of ordinary skill in the art. Specifically, the official action maintains that Takahashi decodes AFTER signal selection while Conway decodes BEFORE signal selection. Well established case law teaches that two references which teach opposite to each other cannot be combined.

For all of the above reasons, claims 1, 5, 19 and 23 are all patentable over the art of record.

The remaining pending claims have also been rejected based on the prior art. Those claims, however, are all patentable by virtue of their dependency on allowable independent claims. Accordingly, those claims are also patentable over the art of record.

For the reasons set forth above, the above identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

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